

JUDGE BRICETTI CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

8/16/2014

PLAINTIFFS

BOKF, NA, as Trustee, and WILMINGTON TRUST, N.A., as Trustee,
Appellants

DEFENDANTS

Momentive Performance Materials Inc., Apollo Global Management, LLC, Ad
Hoc Committee of Second Lien Noteholders, et al., Debtors/Appellees

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

WilmerHale LLP, 7 World Trade Center, 250 Greenwich St., New York, NY
10007, (212) 230-8800; Dechert LLP (212) 698-3500; Ropes & Gray LLP,
(212) 596-9000

ATTORNEYS (IF KNOWN)

Willkie Farr & Gallagher LLP, 787 Seventh Ave., New York, NY 10019;
Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York,
NY 10005

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Appeal under 28 U.S.C. 158(a) from bankruptcy court's plan confirmation order in In re Momentive Performance Materials, No. 14-22503

Has this or a similar case been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN IN ONE BOX ONLY)

NATURE OF SUIT

14CV7492 VLB

ACTIONS UNDER STATUTES

TORTS

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 120 APPEAL	<input type="checkbox"/> 400 STATE REAPPORTIONMENT
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> 620 OTHER FOOD & DRUG	<input type="checkbox"/> 620 OTHER FOOD & DRUG	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY	<input type="checkbox"/> 630 PROPERTY SEIZURE OF PROPERTY	<input type="checkbox"/> 450 COMMERCE	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 631 PRODUCT LIABILITY	<input type="checkbox"/> 631 21 USC 881 LIQUOR LAWS	<input type="checkbox"/> 1470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 640 PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 650 OTHER FRAUD	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 660 TRUTH IN LENDING	<input type="checkbox"/> 660 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 810 SELECTIVE SERVICE
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 670 OTHER PERSONAL PROPERTY	<input type="checkbox"/> 670 OTHER PROPERTY DAMAGE	<input type="checkbox"/> 850 SOCIAL SECURITY	<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE
<input type="checkbox"/> 170 OTHER CONTRACT	<input type="checkbox"/> 360 OTHER PERSONAL INJURY	<input type="checkbox"/> 680 PRODUCT LIABILITY	<input type="checkbox"/> 680 PRODUCT LIABILITY	<input type="checkbox"/> 861 HIA (1396f)	<input type="checkbox"/> 875 CUSTOMER CHALLENGE
<input type="checkbox"/> 180 CONTRACT PRODUCT LIABILITY			<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 862 BLACK LUNG (823)	<input type="checkbox"/> 875 CUSTOMER CHALLENGE
<input type="checkbox"/> 190 FRANCHISE	<input type="checkbox"/> ACTIONS UNDER STATUTES	<input type="checkbox"/> 720 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS	<input type="checkbox"/> 863 DOLC/DIRWV (405(g))	<input type="checkbox"/> 875 CUSTOMER CHALLENGE
<input type="checkbox"/> 195 CIVIL RIGHTS		<input type="checkbox"/> 730 HABEAS CORPUS	<input type="checkbox"/> 730 RAILWAY LABOR ACT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 875 CUSTOMER CHALLENGE
<input type="checkbox"/> 200 VOTING		<input type="checkbox"/> 740 DEATH PENALTY	<input type="checkbox"/> 740 OTHER LABOR LITIGATION	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 875 CUSTOMER CHALLENGE
<input type="checkbox"/> 205 EMPLOYMENT		<input type="checkbox"/> 750 MANDAMUS & OTHER	<input type="checkbox"/> 750 EMPL RET INC SECURITY ACT	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 880 OTHER STATUTORY ACTIONS
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS			<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 881 AGRICULTURAL ACTS
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> PRISONER CIVIL RIGHTS	<input type="checkbox"/> 870 26 USC 7609	<input type="checkbox"/> 872 ECONOMIC STABILIZATION ACT	<input type="checkbox"/> 882 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 230 RENT LEASE & EJECTION	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 872 NATURALIZATION APPLICATION	<input type="checkbox"/> 883 ENERGY ALLOCATION ACT	<input type="checkbox"/> 885 FREEDOM OF INFORMATION ACT
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 872 HABEAS CORPUS- ALIEN DETAINEE	<input type="checkbox"/> 886 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	<input type="checkbox"/> 890 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 245 TORT PRODUCT LIABILITY	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS (Non-Prisoner)		<input type="checkbox"/> 872 OTHER IMMIGRATION ACTIONS		
<input type="checkbox"/> 250 ALL OTHER REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE: _____

DEMAND \$ _____ OTHER _____ JUDGE Briccetti DOCKET NUMBER 14 Misc. 0303

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN **x** IN ONE BOX ONLY)**ORIGIN**

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from (Specify District) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judge Judgment

a. all parties represented b. At least one party is pro se.

(PLACE AN **x** IN ONE BOX ONLY)**BASIS OF JURISDICTION****IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)**

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION (U.S. NOT A PARTY) 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13 <input checked="" type="checkbox"/> 13	DEF <input type="checkbox"/> 13 <input type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 <input type="checkbox"/> 15	DEF <input type="checkbox"/> 15 <input type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	PTF <input type="checkbox"/> 12 <input checked="" type="checkbox"/> 12	DEF <input type="checkbox"/> 12 <input type="checkbox"/> 12	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	PTF <input type="checkbox"/> 14 <input type="checkbox"/> 14	DEF <input type="checkbox"/> 14 <input type="checkbox"/> 14	FOREIGN NATION	PTF <input type="checkbox"/> 16 <input type="checkbox"/> 16	DEF <input type="checkbox"/> 16 <input type="checkbox"/> 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

BOKF, NA, P.O. Box 2300, Tulsa, OK, 74192 (Tulsa County)

WILMINGTON TRUST, N.A., Rodney Square North, 1100 North Market St., Wilmington, DE19890 (New Castle County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

MOMENTIVE PERFORMANCE MATERIALS, INC., 260 Hudson River Road, Waterford, NY12188 (Saratoga County)

Apollo Global Management, LLC, 9 West 57th Street, 43rd Floor, New York, NY 10019 (Manhattan)
Ad Hoc Committee of Second Lien Noteholders c/o Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, NY 10005 (Manhattan)**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 09/15/2014 SIGNATURE OF ATTORNEY OF RECORD

Philip Auker

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

[] NO
 YES (DATE ADMITTED Mo. 09 Yr. 2005)
 Attorney Bar Code # PA7833

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)